Paper No. 8

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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of: :

Shyh-Ren Kuo, et al.   :

Application No. 09/536,599   :   ON PETITION

Filed: March 28, 2000   :

For: USB-BASED WIRELESS   :
TRANSMITTING/RECEIVING SYSTEM

This is a decision on the petition filed September 3, 2002 under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

The application was held abandoned for failure to respond in a timely manner to the non-final Office Action mailed on June 19, 2001. A Notice of Abandonment was mailed on June 18, 2002.

Petitioner alleges to have timely filed a response to said Office Action. In support, Petitioner has provided a copy of a date-stamped post card receipt acknowledging receipt of the amendment in the U.S. Patent and Trademark Office on September 18, 2002. Petitioner submitted a copy of the response on September 3, 2002.

The original response is not of record in the file and cannot be located. However, M.P.E.P. 503 states, " [a] post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the amendment was received in the Office but was not matched with the application file.

The Notice of Abandonment is hereby vacated and the Holding of Abandonment withdrawn.

For the reasons above, the petition is **GRANTED**.

The application file will be forwarded to Technology Center's technical support staff for entry of the response. From there, the application file will be forwarded to the examiner for further action in due course.

Allen R. MacDonald, Director
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Communications